

October 24, 2002

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX- OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- | | Item | Page | -2002 | (Comm. 19D-2) |
|----|--|------|-------|----------------|
| a. | DEP: SEQR – Solicitation for Lead Agency Status – ECSD No. 2 – Boundary Extension.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 19D-6) |
| b. | DEP: SEQR – Solicitation for Lead Agency Status – Proposed Rules & Regulations for Storm Sewers in ECSD No. 6.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 19E-15) |
| c. | COUNTY EXECUTIVE: ECSD NO. 2 – Proposed Town of Brant Extension EC Sewer Agency Report.
(6-0) | | | |
| | Item | Page | -2002 | (Comm. 19E-16) |
| d. | COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency & ECSD Nos. 1-6 Engineering Servicing Agreements.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 19E-17) |
| e. | COUNTY EXECUTIVE: ECSD NO. 2 – Southwest Interceptor & Pumping Station Facilities Evaluation – Change Order No. 6.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 19E-26) |
| f. | COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency & ECSD No. 2 – Engineering Service Agreements – Stearns & Wheler.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 19M-12) |
| g. | R & D ENGINEERING: SEQR – Request for Lead Agency – ECWA-City of Tonawanda Water System Improvements.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |

2. Item Page -2001 **AS AMENDED**
COUNTY EXECUTIVE (Comm. 1E-27)
RESOLUTION NO. ____

RESOLUTION DATED _____, 2002.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) October 24, 2002

(Adopted) _____, 2002

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article S-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 in said County, consisting of the construction of a subtrunk sanitary sewer from the District's 30 inch interceptor crossing of Bowen Road to William Street and the construction of facilities to provide sewer service to residents along William Street out to the District's eastern boundary, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design and engineering of the facilities of said Sewer District No. 4 is \$1,200,000; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on the 5th day of December, 2002, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 4 in said County,

and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on the 5th day of December, 2002, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of the facilities of Erie County Sewer District No. 4 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the design and engineering of the construction of a subtrunk sanitary sewer from the District's 30 inch interceptor crossing of Bowen Road to William Street and the construction of facilities to provide sewer service to residents along William Street out to the District's eastern boundary, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated September 18, 2002, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$1,200,000.

Dated: Buffalo, New York,
_____, 2002.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By Laurie Manzella
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Hamburg Sun and in the Front Page the official newspapers of said County, and "*The Lancaster Bee*" not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 19E-18)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract "B", to Tunney Electric, Inc. for the Erie County Sewer District No. 2, 18 Mile Creek/Sweetland Pumping Station Modifications and Site Improvements; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the acceptance of Contract "B" in the final contract amount of \$195,962.40 which includes Change Order No. B-3 (final) a decrease of \$7,941.60, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "B" between the County of Erie and Tunney Electric, Inc., 1550 Route 83, Forestville, New York 14062 is accepted in the amount of \$195,962.40, which includes Change Order No. B-3(final) a decrease of \$7,941.60 to be returned to unallocated in Fund No.430, Project No.147 and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "B" between the County of Erie and Tunney Electric, Inc in the amount of \$195,962.40 and make final payment from Erie County Sewer District No.2, Fund No. 430, Project No. 147; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

4. Item Page -2002 (Comm. 19E-19)

COUNTY EXECUTIVE

WHEREAS, the Town of Brant, on behalf of the Town's Lotus Bay and Brant-Farnham Sewer Districts, has requested Erie County Sewer District No. 2 to assume ownership of the Town Sewer Districts and their facilities; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership of the Brant Town Sewer Districts with Erie County Sewer District No. 2.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 2; and the Town of Brant, on behalf of the Lotus Bay and Brant-Farnham Sewer Districts; for the purpose of transferring ownership of the Town Sewer Districts' sewer lines and appurtenances to Erie County Sewer District No. 2 is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning and one (1) certified copy each to Nancy Naples, County Comptroller; Gregory Dudek, Assistant County Attorney; and Joseph Passafiume, Director of Budget, Management and Finance. (6-0) Chairman DeBenedetti present as Ex-Officio Member.

5. Item Page -2002 (Comm. 19E-20)

COUNTY EXECUTIVE

WHEREAS, the County of Erie wishes to assess the potential for wind generated electrical production along the Lake Erie shoreline; and

WHEREAS, it is essential that this natural resource be scientifically evaluated and, if economical, harnessed to benefit Erie County residents and industry; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has agreed to contribute the sum of \$258,000 to study the feasibility of wind energy production; and

WHEREAS, NYSERDA has selected Energy & Environment, Inc., (E & E) of Lancaster to perform the technical tasks and will compensate E & E directly for its services in an amount up to \$201,176; and

WHEREAS, Erie County has been awarded \$56,824 of the total project cost by NYSERDA to manage this project and to oversee the technical work to be performed by E & E and its subcontractors and to identify and address specific project barriers; and

WHEREAS, in order to initiate this study, the County Executive must be authorized to enter into a three-party agreement with NYSERDA and E & E.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a three-party agreement with NYSERDA and E & E in an amount not to exceed \$258,000 for the purpose of conducting a Lake Erie Shoreline Wind Study, and be it further

RESOLVED, that the unanticipated revenue from the new Erie County Shoreline Wind Resource Study is hereby appropriated in the grant fund for the period June 14, 2002, to December 31, 2003, as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
553-300	State Aid -- NYSERDA	\$56,824
Total Revenues		\$56,824

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>NYSERDA Funds</u>
824	Local Travel and Mileage	\$ 250
825	Out of Area Travel	3,000
826	<u>Other</u>	1,500
830	Contractual Services	22,000
880-6200	Interfund Exp Non-Sub	
	Environment and Planning	28,824
933	Lab Technical Equipment	1,250
Total Appropriations		\$56,824

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

6. Item Page -2002 (Comm. 19E-21)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for coordinating the New York State Agricultural District Re-certification Process for seventeen districts within Erie County; and

WHEREAS, the Department of Environment and Planning is currently coordinating the re-certification of the following agricultural districts

1. Wales
2. Brant/Evans #1
3. Brant/Evans #2
4. Elma

and

WHEREAS, the primary planner responsible for coordinating the aforementioned process retired from County service in September 2002 thereby leaving a void in expertise relative to the agricultural district process and other rural planning services,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Rural Planning Personal Services Contract with Chester C. Jandzinski, residing at 1650 Hall Road, Elma, New York 14059; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$9,200; and be it further

RESOLVED, that the purpose of said agreement shall be to coordinate the re-certification of various Erie County Agricultural Districts with the New York State Department of Agriculture and Markets, and other rural planning services as deemed appropriate by the Department of Environment and Planning; and be it further

RESOLVED, that the source of funds shall be money available within Project 825, Account 821, Dues & Fees and Project 835, Account 821, Dues & Fees; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Comptroller, the Commissioner of the Department of Environment and Planning, the Commissioner of Personnel, and the Director of the Division of Budget, Management, and Finance.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

7. Item Page -2002 (Comm. 19E-23)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) awarded the Department of Environment and Planning (DEP) a grant to establish the Erie County Solid Waste Reduction and Recycling Project; and

WHEREAS, additional grant funding was subsequently awarded to the DEP; and

WHEREAS, through Legislative resolution (Comm. 13E-32) dated July 11, 2002, a revised budget was established for the Project; and

WHEREAS, the United States Environmental Protection Agency (USEPA) – Great Lakes National Program Office has provided \$35,000 to the DEP to expand the program services to include the recycling of fluorescent lights, ballast, and televisions; and

WHEREAS, Buffalo State College (BSC) has provided \$3,745 in funding to assist with planning workshops for a Pollution Prevention project; and

WHEREAS, changes in the budget of the Solid Waste Reduction and Recycling Project (SFG #394) are necessary to meet the needs of the changing scope of work.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$35,000 from the USEPA to expand program services to include the recycling of fluorescent lights, ballast, and televisions, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$3,745 from BSC to assist with planning workshops for a Pollution Prevention project, and be it further

RESOLVED, that the existing grant budget for the Solid Waste Reduction and Recycling Project (SFG #394) is hereby revised to include the new grant resources as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
553	State Aid	\$160,530	0	\$160,530
686-6201	Interfund Revenue-Community Development	25,285	0	25,285
686-6200	Interfund Revenue-Environment and Planning	178,500	0	178,500
641	Federal Aid	33,200	0	33,200
360	Other Local Source	20,000	0	20,000
GLBP	Grant Funding	18,000	0	18,000
NESCAUM	Grant Funding	7,000	0	7,000
USEPA	Grant Funding	0	35,000	35,000
BSC	Grant Funding	0	3,745	3,745
Total Revenues		\$442,515	\$38,745	\$481,260

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$158,897.00	18,041	\$176,938.00
805	Fringe Benefits	41,735.00	4,244	45,979.00
810	Office Supplies	1,800	730	2,530.00
824	Local Travel and Mileage	600.00	0	600.00
825	Out of Area Travel	1,700.00	0	1,700.00
826	Other	30,473.84	730	31,203.84
830	Contractual Services	207,309.16	15,000	222,309.16

Total Appropriations	\$442,515.00	\$38,745	\$481,260.00
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and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

8. Item Page -2002 (Comm. 19E-24)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Program Opportunity Notice (PON) No. 723-02 offering to fund projects for the implementation of innovative and energy efficient wastewater disinfection technologies at municipal wastewater treatment facilities; and

WHEREAS, the Department of Environment and Planning, based on a NYSERDA funded Flexible Technical Assistance study, has advised the County Legislature that there are benefits to applying for a construction grant under this NYSERDA Program and has recommended application be made for funding these opportunities under NYSERDA's PON No. 723-02; and

WHEREAS, it is anticipated that NYSERDA may contribute up to \$250,000 for project approval with the balance of the project costs to be paid by the Erie County Sewer District No. 2.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make applications to NYSERDA for funding under PON No. 723-02 in the estimated amount of \$250,000 to implement innovative and energy efficient wastewater disinfection technologies at the Big Sister Wastewater Treatment Plant; and be it further

RESOLVED, that an agreement with NYSERDA to implement the innovative and energy efficient disinfection technology is hereby approved subject to a grant offer being made by NYSERDA; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

9. Item Page -2002 (Comm. 19E-25)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation has directed Erie County Sewer District No.1 to undertake a sanitary sewer system rehabilitation, in relation to a

microchip manufacturing site pre-permitting for which engineering consultant services are necessary; and

WHEREAS, the engineering firm of Parsons Engineering Science, Inc. is recommended by the Department of Environment and Planning based on their proposal to perform the work at a cost not to exceed \$162,130.00; and

WHEREAS, the selection and recommendation is in conformance with section 19.08 of the Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Parson Engineering Science, Inc. be retained at a cost not to exceed \$162,130.00, and be it further

RESOLVED, that Erie County Comptroller be authorized and directed to allocate \$162,130.00 from Sewer Capital Fund 430, Project 694, for the purpose of a sanitary sewer system rehabilitation project, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Parson Engineering Science, Inc., 180 Lawrence Bell Drive, Williamsville, New York 14221 to provide the needed engineering services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$162,130.00 for payment of the agreement from the Erie County Sewer District Capital Account 430-694 as approved by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; one copy to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director Budget and Management.

(6-0) Chairman DeBenedetti present s Ex-Officio Member.

10. Item Page -2002 (Comm. 19E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Southtowns Sewage Treatment Agency was issued a 25-year easement for its sixty-six inch diameter outfall pipe into Lake Erie by the New York Office of General Services, as recorded in the Department of State, Volume 21 of Miscellaneous Deeds and Title Papers at Page 692, and,

WHEREAS, the easement expires on December 1, 2003 and needs to be renewed,

NOW THEREFORE BE IT,

RESOLVED, that an application for renewal of the term of the easement be made to the New York Office of General Services for the longest term allowable, and be it further,

RESOLVED, that certified copies of this resolution be sent to the New York Office of General Services, care of Thomas A. Pohl, Senior Attorney, Office of General Services, Mayor Erastus Corning 2nd Tower, Albany, New York 12242, Gregory Dudek, Assistant County Attorney and Charles Alessi, Deputy Commissioner, Department of Environment and Planning and Nancy Naples, Erie County Comptroller.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

GEORGE A. HOLT, JR.
CHAIRMAN